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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jaime MEZA-Cervantes

Defendant

) Magistrate Docket No 8 AM 9:29

'08 MJ 01 41

CLERK'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

KW/H DEPUTY

Title 8, U.S.C., Section 1326

Attempted Entry After Deportation

The undersigned complainant, being duly sworn, states:

On or about, **January 06, 2008**, within the Southern District of California, defendant, **Jaime MEZA-Cervantes**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

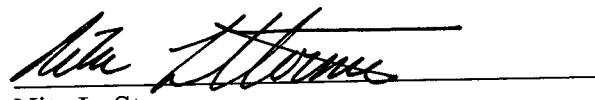
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Shawn H. Brooks
Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF **JANUARY**, **2008**.



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jaime MEZA-Cervantes

PROBABLE CAUSE STATEMENT

On January 15, 2008, I, Border Patrol Agent Shawn H. Brooks, conducted official record checks on a previously deported criminal alien, **Jamie MEZA-Cervantes**, hereinafter referred to as the defendant. As part of my regular duties on the San Diego Sector Smuggling Interdiction Group (SIG), I run official record checks on previously deported criminal aliens. I do this in order to determine if any of these illegal aliens have returned to the United States in violation of Title 8 of the United States Code, Section 1326.

I discovered that the defendant was pending a credible fear determination at the Corrections Corporation of America in Otay Mesa, California. The defendant had previously applied for entry into the United States at the San Ysidro, California Port of Entry, on January 6, 2008. The defendant made a false claim to United States citizenship and was referred to secondary inspection. It was determined by immigration officers, that the defendant was not a citizen of the United States, but a citizen and national of Mexico. Immigration officers placed the defendant into Expedited Removal proceedings and the defendant stated that he had a credible fear of returning to Mexico. The defendant was then transferred to the Corrections Corporation of America to resolve his claim.

Fingerprints taken from the defendant at the San Ysidro, California Port of Entry on January 6, 2008, correspond to those contained in the defendant's official alien immigration record. Record checks and a review of the defendant's official alien immigration record indicate that he is a citizen and national of Mexico. An Immigration Judge ordered the defendant removed to Mexico on February 21, 1996, in San Diego, California. Immigration officers executed this order on February 21, 1996, February 6, 1997, and July 20, 2007.

Nothing contained in the official records maintained by the United States Citizenship and Immigration Services indicates that the defendant has applied to the Attorney General of the United States or the Secretary of Department of Homeland Security for permission to reenter the United States.

Based on the foregoing there is probable cause to believe that **Jamie MEZA-Cervantes**, has illegally re-entered the United States after deportation in violation of Title 8 of the United States Code, § 1326, deported alien found in the United States.